

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

**IN RE: ETHICON, INC. PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

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**MDL NO. 2327**

**THIS DOCUMENT RELATES TO:**

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**QUALIFIED PROTECTIVE ORDER**

The individuals listed on attached Exhibit A have asserted claims in the above captioned action.

These individuals have retained the following attorney(s), Johnson Law Group (“Counsel”) to represent them in the above-captioned action. Counsel agrees that they represent the individuals listed next to their names in Exhibit A.

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall resolve any potential Part A and/or Part B fee for service Medicare Secondary Payer (MSP) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A that are or were Medicare beneficiaries.
2. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall also resolve any potential state Medicaid, Tricare, Veteran’s Administration, and/or Indian Health Services (hereinafter “the Agencies”) claim(s) related to settlements, judgments, awards, or other payments associated with the above

captioned action for those individuals on Exhibit A that are or were beneficiaries of the Agencies. The entry of this HIPAA-compliant qualified protective order is necessary in this action in order to permit the Agencies to transmit protected health information regarding the plaintiffs to Counsel, including any third party authorized by Counsel to assist in the resolution of the Agencies' potential liens and reimbursement claims. As such, it is hereby ordered:

- a. This Qualified Protective Order shall apply to all "protected health information" and "individually identifiable health information," as defined by 45 CFR § 160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR § 431 Subpart F, titled "Safeguarding Information on Applicants and Recipients" and other applicable state law, created, received or collected from Plaintiffs by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify plaintiffs; (b) eligibility and entitlement information; (c) claims information relating to the past, present, or future health care of plaintiffs; (d) claims information relating to the provision of healthcare to plaintiffs; and, (e) claims information relating to the past, present, or future payment for the provision of healthcare to plaintiffs.
- b. Each Agency is hereby authorized and directed to transmit to Counsel, including any third-party specifically authorized by Counsel to assist in the resolution of potential liens or reimbursement claims, any information, including claims

information and other protected health information, for those plaintiffs listed on Exhibit A against whom they may assert liens or reimbursement claims.

- c. Counsel, including any authorized third party acting on their behalf, shall not use or disclose any protected health information or individually identifiable health information subject to this Qualified Protective Order for any purpose other than this litigation. Similarly, the Agencies shall only use the information listed on Exhibit A for the specific purposes of transmitting to Counsel any information, including claims information and other protected health information, for those plaintiffs in the above-captioned matter against whom the Agencies have asserted liens or reimbursement claims, or in whose potential settlements the Agencies may have an interest. The Agencies shall only make the information listed on Exhibit A available to those within their respective Agency who need access to the information listed on Exhibit A for the specific purpose stated in this paragraph. If the Agency utilizes outside vendors or companies to perform part or all of their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.
- d. Counsel, including any authorized third party acting on their behalf, shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such protected health information as is exercised by Counsel with respect to its own confidential proprietary information.

- e. At the conclusion of this litigation, Counsel shall certify to the Agencies that the protected health information or individually identifiable health information, including all copies made, has been destroyed.

**IT IS SO ORDERED.**

**SIGNED AND ENTERED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

**EXHIBIT A**

<b>Plaintiff Name (Last)</b>	<b>Plaintiff Name (First)</b>	<b>DOB</b>
Hart	Vala	
Farris	Katherine	
Stewart	Traci	
Giannone	Jennifer	
Mcarthur	Denise	
Sanders	Cynthia	
Meredith	Yvonne	
Diggle	Kathleen	
Quinn	Alice	
Hanson	Tammy	
Nieves	Rosaura	
Smith	Cindy	
Brady	Rebecca	
Poss	Diania	
Villegas	Kyle	
Allison	Shannon	
Popok	Christine	
Leslie	Mellanie	
Dozier	Krystal	
Reisdorf	Sandra	
Floyd	Carol	
Meyer	Jan	
Kensey	Blanche	
Edwards	Cheilon	
Catt	Elizabeth	
Schrader	Gwendolyn	
Garrison	Patricia	
Rowe	Betty	
Walker	Leshny	
Asire	Debra	
Mutterspaugh	Mary	
Saunders	Bonnie	
Sacks	Lori	
Grant	Angela	
Crow	Wendy	
Schroder	Cathy	
Monroe	Wanda	
Dawson	Patricia	
Roche	Debra	
Bell	Beverly	

Lenderman	Stephanie
Trammell	Genora
Haley	Janice
Broxterman	Romona
Hilbert	Hazel
Pawlik	Jennifer
Compton	Donna
Eckl	Marcia
Myers	Martha
Swafford	Cindy
Blair	Bambi
Valenzuela	Erin
Fluegge	Arlene
Hunter	Alicia
Gelowicz	Cindy
Brown	Sara
Brickey	Sue
Gilleland	Connie
Tsukas	Tracy
Wiehle	Kelly
Heydasch	Sally
Jennings	Tammy
Childress	Marie
Shelly	Debra
Brown	Sommar
Whited	Donna
Forrester	Leslie
Gowen	April
Wilson	Carolyn
Sommers	Miriam
Neal	Lisa
Trejo	Renee
Ishmael	Mary
Cardon	Dessa
Fitzpatrick	Deborah
Jones	Joan
Dybvig	Mary
Conkin	Maria
Williams	Marsha
Fugatt	Tammy
Rainwater	Catherine
Rosamond	Brandi

Hallman	Brenda	
Duty	Mary	
Lynn	Stacy	
Appleby	Linda	
Bolinger	Sherri	
Anderson	Marlene	
Mundell	Faith	
Reece	Teresa	
Chambers	Rebecca	
Romero	Nancy	